

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

IN RE: UNIFIED MESSAGING) Case No: 12 C 6286
 SOLUTIONS LLC)
 PATENT LITIGATION)
) Judge Joan H. Lefkow
)
)
)

ORDER

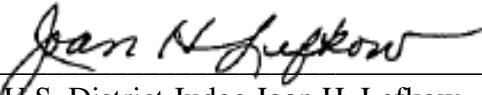
Plaintiffs' motion for reconsideration [665] is denied. The declaration of Daniel Menascé is stricken because it was filed in violation of Local Patent Rule 4.2(c). See Statement for more detail.

STATEMENT

The court has reviewed with care plaintiff's entire submission, including the declaration of Daniel Manascé, which could have been presented in support of plaintiffs' proposed claim construction. In addition to its Rulings On Claim Construction, the court states as follows:

1. The "message" of the referenced claims is a "communication" (*i.e.*, "information generated . . . by electronic, optical or similar means," as plaintiff's reference defines it) that originates outside the claimed "computerized service system" ('074 patent, claims 1, 3, 4) and is received by that system, wherein it is stored and can be ultimately retrieved by the intended recipient via email.
2. In 1995, the problems the claimed methods and systems were designed to solve did not apply to email transmitted over a telephone line via dial up connection. Such email would have been, for example, discoverable immediately in the recipient's inbox, retrievable at a computer away from the user's office, private to and sent directly to the intended recipient, and readily tracked and recorded (See, *e.g.*, '074 patent, cols. 2-4).
3. The claimed inventions made messages previously received via traditional telephone lines, such as faxes, voice mail and data messages, available over a network such as the Internet. Although these three forms of communications are not exclusive, the intrinsic evidence contains no indication that messages might be conveyed by means other than telephone lines, such as computer to computer over the Internet. As stated, such means of transmission would not have had deficiencies that would have invoked a need for the systems and methods claimed.

Date: February 25, 2014



U.S. District Judge Joan H. Lefkow